

Exhibit 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANHATTAN SAFETY MAINE, INC.,
et al.,

Plaintiffs,

v.

19 CV 5642 (LGS)

ARIE GENDER, et al.,

Defendants.

New York, N.Y.
October 15, 2019
10:35 a.m.

Before:

HON. LORNA G. SCHOFIELD,

District Judge

APPEARANCES

POLLOCK COHEN LLP
Attorneys for Plaintiffs
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Attorney for Ron Satiya

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1 often, so it's kind of hard to for me to tell how much further
2 we would have to get before that gets resolved, but in terms of
3 just the settlement agreement, the estate's claims on the
4 fraudulent transfer, I imagine we're going to get either
5 approval or denial from the bankruptcy court by December, would
6 be my guess.

7 I find it hard to imagine it would go beyond that, so
8 I think we'll either need -- we'll know that we're getting the
9 settlement approved or that the Court is denying it probably by
10 the end of this calendar year.

11 THE COURT: How does this work, the relationship --
12 I'm not talking to Mr. Cummings anymore, I'm talking to the
13 folks in this room -- how does this work, the relationship
14 between that action and this action? If that one gets resolved
15 first and there's an adjudication of the disposition of the
16 assets at issue here, then what's point of doing anything here?

17 MR. POLLOCK: If I may address that?

18 THE COURT: Yes.

19 MR. POLLOCK: These are separate applications,
20 separate cases and separate assets.

21 THE COURT: They are separate assets?

22 MR. POLLOCK: And separate assets.

23 The bankruptcy trustee has submitted a document here
24 in which he says that Orly Genger, the debtor, has no claim to
25 the \$32 million at issue. Whatever the assets or debts are in

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1 that case, are not the assets or debts in this case; in fact,
2 he explicitly says they're separate. And, for that reason, I
3 surmise, the trust in that case has not made an application to
4 stay this case. These are not her assets, and nobody says that
5 they are her assets.

6 And were the trustee to make an application for a
7 stay, I think that that would clearly be something that would
8 be relevant for us to be discussing. I don't want to hold up
9 this case. And implicit in what I hear him saying is that
10 there would be some kind of limited stay of discovery. I don't
11 want to hold up our work while something happens to adjudicate
12 assets that aren't pertinent in this case.

13 THE COURT: So here's what I'm going to suggest: As I
14 said, I'm referring this all to Judge Freeman, so I will let
15 her resolve this stay issue. And since it has just come up,
16 this proposal has come up now, I suggest you talk to each other
17 and see if you can agree on something before bringing it to
18 her, and perhaps that will just obviate all of that.

19 And then I think what I will do is I will set an
20 initial discovery schedule. Judge Freeman, of course, is free
21 to modify that, but at least we will have accomplished
22 something today. We'll have a briefing schedule for the
23 motion. It sounds like it should go forward. And we'll also
24 have a discovery schedule, but if you all can agree to stay
25 discovery except all the historical information, all of that is